



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

LCC:ddj
Docket No: 6093-00
28 November 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 24 October 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

1160
PERS-815
24 Oct 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 29 Aug 00
(b) MILPERSMAN 1160-100
(c) MILPERSMAN 1510-020
(d) NAVADMIN 176/00

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of the petitioner's request.

a. The petitioner received a STAR reenlistment approval from PERS 815 on 29 March 1999.

b. The petitioner reenlisted for six years on 28 June 1999 under the STAR program to attend NEC 1734 "C" school (A-102-216). The petitioner completed training in April 2000.

c. The petitioner requests to receive automatic advancement to petty officer second class effective the date of earning NEC 1734.

d. Per references (b) and (c), automatic advancement under the STAR program is not a guarantee. Automatic advancement eligibility is based on the Career Schools List (CSL) in effect on the date of reenlistment.

e. On the date of petitioner's reenlistment, the training, which the petitioner completed in April 2000, was not listed on the CSL. Reference (d) released 12 July 2000 listed the NEC 1734 (CIN A-102-216) on the CSL. Therefore, petitioner is not eligible for the automatic advancement portion of the STAR program because the NEC 1734 was listed after the petitioner reenlisted and completed training.

2. In view of the above, recommend petitioner's record remain as is.

3. Enclosure (1) is returned.

A. F. CANTRELL, JR.
CDR USNR
Head,
Reenlistment Incentives Branch